

To: Maier, Brent[Maier.Brent@epa.gov]
From: Albright, David
Sent: Mon 6/6/2016 3:01:45 AM
Subject: Fwd: Appropriations bill language on aquifer exemptions

Sent from my iPhone

Begin forwarded message:

From: "Montgomery, Michael" <Montgomery.Michael@epa.gov>
Date: June 5, 2016 at 5:28:47 PM PDT
To: "Chin, Lucita" <Chin.Lucita@epa.gov>, "Engelman, Alexa" <ENGELMAN.ALEXA@EPA.GOV>, "Albright, David" <Albright.David@epa.gov>, "Dermer, Michele" <Dermer.Michele@epa.gov>, "Darman, Leslie" <Darman.Leslie@epa.gov>
Cc: "Moffatt, Brett" <Moffatt.Brett@epa.gov>
Subject: RE: Appropriations bill language on aquifer exemptions

Brent: Can we check with the appropriate folks in HQ re the status of this? thanks

From: Chin, Lucita
Sent: Thursday, May 26, 2016 11:06 AM
To: Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>; Albright, David <Albright.David@epa.gov>; Dermer, Michele <Dermer.Michele@epa.gov>; Darman, Leslie <Darman.Leslie@epa.gov>; Montgomery, Michael <Montgomery.Michael@epa.gov>
Cc: Moffatt, Brett <Moffatt.Brett@epa.gov>
Subject: RE: Appropriations bill language on aquifer exemptions

Thanks, Alexa. I hadn't seen this yet. - Lucita

From: Engelman, Alexa
Sent: Thursday, May 26, 2016 11:53 AM
To: Albright, David <Albright.David@epa.gov>; Dermer, Michele <Dermer.Michele@epa.gov>; Darman, Leslie <Darman.Leslie@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>; Montgomery, Michael <Montgomery.Michael@epa.gov>
Cc: Moffatt, Brett <Moffatt.Brett@epa.gov>

Subject: Appropriations bill language on aquifer exemptions

Not sure if folks caught this in yesterday's end of day media/congressional report, but looks like portions of the rider got into the spending bill in the house appropriations bill. I included the clip and then copied the language from the bill below, it's somewhat different than the proposed language we reviewed but still captures the spirit of it, including the limitation to use existing "criteria and procedures," require collaboration with "States and regulated industries" and to treat AE's that meet the criteria "involve UIC projects authorized by permit" as non-substantial program revisions....it does remove the reference to Guidance #34 however.

From the end of day:

House Appropriations Committee - Interior, Environment, and Related Agencies Subcommittee – You can view an archived webcast of today's markup of the FY 2017 Interior and Environment Appropriations Bill at the link provided. The Interior, Environment and Related Agencies Appropriations Subcommittee swiftly signed off this morning on a fiscal 2017 spending bill for U.S. EPA, the Interior Department and the Forest Service, as members postponed looming battles over funding levels and policy riders for another day. The Interior, Environment and Related Agencies Appropriations Subcommittee approved the \$32.1 billion measure on a voice vote with no audible dissent after a markup that lasted barely a half hour. Following a standard pattern, lawmakers held off on offering amendments, but the deep partisan divisions were already evident. The bill, unveiled yesterday, represents the opening bid in a process almost certain to run well past the October 1st start of fiscal 2017, with many of its most contested provisions unlikely to survive. - *Greenwire*
<http://appropriations.house.gov/calendar/eventsingle.aspx?EventID=394555>

Bill language:

The Administrator of the Environmental Protection Agency shall apply the criteria and procedures in effect as of the date of enactment of this Act for aquifer exemptions in the Underground Injection Control regulatory framework, in a collaborative manner with the States and regulated industries, to promptly review and make decisions on all aquifer exemption applications using the criteria for exempted aquifers set forth in 40 CFR 146.4 (as in effect on April 1, 2016).

The Administrator shall not use substantial program revisions for purposes of reviewing and making decisions on aquifer exemption applications involving underground injection authorized by permit, provided the injection is occurring into aquifers that meet the criteria for an exemption set forth in 40 CFR 146.4 and the recommendations of key State resource agencies are taken in account.

Portions taken out from previous version:

- First para, used to say the Administrator would work "*within the existing criteria and procedures*" for exemptions.

- Second para: used to have "*Consistent with EPA's Guidance for Review and Approval of State UIC Programs and Revisions to Approved State Programs, GWPB Guidance #34*" the administrator shall not use....

Alexa Engelman

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